

UNITED STATES
DISTRICT COURT
EASTERN DISTRICT OF
NEW YORK

.....X
SEAN WILLIAMS,

Plaintiff,

-against-

22-CV-3185 (AMD) (RER)

CITY OF NEW YORK, *ET AL.*,

Defendants.

.....X

ORDER

RAMON E. REYES, JR., U.S.M.J.:

Previously, pursuant to Rule 16 of the Federal Rules of Civil Procedure this Court ordered the parties, including plaintiff *pro se* Sean Williams (“Williams”), to appear for a telephone initial conference on February 23, 2023. (*See* ECF No. 21). Williams failed to appear and did not contact the Court or defendants’ counsel prior to the scheduled conference. Defendants’ counsel dialed into the telephone conference on time and was prepared to proceed. The Court waited approximately five minutes for Williams to appear before calling the case and adjourning the conference due to Williams’s failure to appear.


Rule 16(f) of the Fed. R. Civ. P. provides: “[i]f a party or its attorney . . . fails to appear at a scheduling or other pretrial conference; . . . or fails to obey a scheduling order or pretrial order . . . [o]n motion or on its own, the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii).” Under Rule 37(b)(2)(A)(v), the court may dismiss the complaint for a party’s failure to comply with a court order. *See* Fed. R. Civ. P 37(b)(2)(A) (“[T]he court where the action is pending may issue further just orders. They may include the following: . . . (v) dismissing the action or proceeding in whole or in part.”).

Out of an abundance of caution and to give Williams every chance to appear and prosecute his claims, the Court shall hold another initial conference, this time **in person on April 25, 2023 at 11:30 a.m. in Courtroom 13D South** of the Theodore Roosevelt United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201. Williams shall timely appear in person on April 25, 2023. **Williams is hereby warned that if he fails to timely appear in Courtroom 13D at 11:30 a.m. on April 25, 2023, the Court will promptly and summarily report to the assigned District Judge and recommend on the record that she dismiss this case pursuant to Rules 16(f) and 37(b)(2)(C) of the Federal Rules of Civil Procedure.** See *Valentine v. Museum of Modern Art*, 29 F.3d 47, 49 (2d Cir. 1994) (“The severe sanction of dismissal with prejudice may be imposed even against a plaintiff who is proceeding pro se, so long as warning has been given that noncompliance can result in dismissal.”).¹

Defendants’ counsel is hereby ordered to produce to the Court Williams’s last known address and telephone number as indicated in the records of Williams’s underlying arrest and conviction, and serve a copy of this Order on Williams by mail at that address no later than March 17, 2023. Defendants’ counsel shall file proof of such service on CM/ECF no later than March 24, 2023.

DATE: March 7, 2023
Brooklyn, New York

SO ORDERED.

/s/ Ramon E. Reyes, Jr. 

RAMON E. REYES, JR.
United States Magistrate Judge

¹ Williams is also advised that it is his obligation to keep the Court apprised of his current contact information, including his mailing address, telephone number, and if appropriate, his email address. Williams is directed to submit such information to the Court within seven days of receipt of this Order.